REMARKS

Applicant respectfully requests reconsideration and allowance of the subject application. Claims 1-39 are pending, and no claims have been amended.

Applicant's remarks after Final are appropriate under 37 C.F.R. §1.116 because they address the Office's remarks in the Final Action, and thus could not have been presented earlier. In addition, the remarks should be entered to place the application in better form for appeal.

35 U.S.C. §102 Claim Rejections

Claims 1-39 are rejected under 35 U.S.C. §102(b) as being anticipated by a reference document to Altova Inc. & Altova GmbH, "XML Spy Suite 4.4, User and Reference Manual Version 4.1" (hereinafter "XML Spy") (*Office Action* p. 2). Applicant respectfully traverses the rejection.

Independent Claim 1 recites a "method of combining formats for an electronic file, comprising:

combining data having at least two different encodings; and

presenting the combined data as homogenized data according to a reference encoding."

XML Spy does not show or disclose "combining data having at least two different encodings; and presenting the combined data as homogenized data according to a reference encoding", as recited in claim 1. XML Spy only describes that a user can change the encoding of a document. (*XML Spy* p. 117-131, 208-209, 303-304, and 551-553).

Pages 123-124 of XML Spy describe allowing a user to change the encoding by "selecting a different encoding when saving the current document the next time." The Office cites to XML Spy pages 117-131 as teaching "encoding," page 123, "save" and "save as," and page 124, as methods for changing the format of an electronic file to a reference encoding. (*Office Action* p. 3). Whereas XML Spy describes changing the encoding by "selecting a different encoding when saving the current document the next time," claim 1 recites "combining data having at least two different encodings; and presenting the combined data as homogenized data according to a reference encoding."

Pages 208-209 of XML Spy describe how to import a text file into XML. Pages 208-209 further describe that XML Spy permits the user to "import any structured text file" and convert it into XML, but the file encoding must be specified. Specifying the encoding type is made possible by using the "File encoding" dropdown menu shown in the user interface window on page 208. The Office cites to XML Spy pages 208-209, as teaching "import text file, "which lets you import any structured text file into XML Spy and convert it to XML format." The Office further describes that this process is useful to help import data from older systems. (*Office Action* p. 3). The Office argues that it is inherent that since XML Spy will import any structured text file and convert it to XML format immediately, and since there are more than one form of structured text file, and since files may be combined in XML, that at least two different encodings can be combined as homogenized data according to the reference encoding. (*Office Action* p. 3). Applicant disagrees since nothing on pages 208-209 discloses or shows "combining data having at least two different encodings; and presenting the

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combined data as homogenized data according to a reference encoding," as recited in claim 1.

The Office cites to XML Spy pages 303-304, as teaching "encoding" where a "default encoding for new files can be pre-determined in the settings dialog box so that each new document is automatically created with a proper XML declaration." The Office further states that the quoted statement teaches that a plurality of files may be encoded to the same homogenized data according to a default reference encoding. (*Office Action* p. 3). Applicant disagrees that the quoted statement above teaches that a plurality of files may be encoded to the same homogenized data according to a default reference encoding. Further, pages 303-304 fail to disclose or show "combining data having at least two different encodings; and presenting the combined data as homogenized data according to a reference encoding," as recited in claim 1.

Pages 551-553 of XML Spy describe that the Spy technology supports Unicode and Unicode for various Windows platforms. The Office cites to XML Spy pages 551-553, as teaching that all XML files from formats on a variety of machines and languages, will be homogenized to the reference encoding of Unicode. (*Office Action* p. 4). However, pages 551-553 fail to disclose or show "combining data having at least two different encodings; and presenting the combined data as homogenized data according to a reference encoding," as recited in claim 1.

As the Examiner is likely aware, a single reference must teach each and every element of a claim to substantiate anticipation under 35 U.S.C. §102 (MPEP §2131). XML Spy does not teach each of the elements recited in claim 1.

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Accordingly, claim 1 along with dependent claims 2-14 are allowable over XML Spy and the §102 rejection should be withdrawn.

Independent Claim 15 recites "a computer-readable medium having stored thereon a data structure, comprising:

a first data field encoded according to a first format; and

a second data field referring to data encoded according to a second format,

wherein the first data field and the second data field are homogenized according to a reference encoding format."

As described above in the response to the rejection of claim 1, XML Spy does not show or disclose the features of claims 15. XML Spy does not show or disclose "a first data field encoded according to a first format; and a second data field referring to data encoded according to a second format, wherein the first data field and the second data field are homogenized according to a reference encoding format", as recited in claim 15.

Accordingly, claim 15 along with dependent claims 16-20 are allowable over XML Spy and the §102 rejection should be withdrawn.

Independent Claim 21 recites "a computer-readable medium having stored thereon a data structure, comprising:

a first data fragment encoded according to a first format; and

a second data fragment encoded according to a second data format,

wherein the first data field and the second data field are homogenized according to a reference encoding format."

As described above in the response to the rejection of claim 1, XML Spy does not show or disclose the features of claims 21. XML Spy does not show or disclose "a first data fragment encoded according to a first format; and a second data fragment encoded according to a second data format, wherein the first data field and the second data field are homogenized according to a reference encoding format.", as recited in claim 21.

Accordingly, claim 21 along with dependent claims 22-25 are allowable over XML Spy and the §102 rejection should be withdrawn.

Independent Claim 26 recites "a method of transmitting data to a receiving node, comprising:

combining data having at least two different encodings;

homogenizing the combined data in accordance with a reference encoding; and

transmitting homogenized data to the receiving node over a network."

As described above in the response to the rejection of claim 1, XML Spy does not show or disclose the features of claims 26. XML Spy does not show or disclose "combining data having at least two different encodings; homogenizing the combined data in accordance with a reference encoding; and transmitting homogenized data to the receiving node over a network.", as recited in claim 26.

Accordingly, claim 26 along with dependent claims 27-39 are allowable over XML Spy and the §102 rejection should be withdrawn.

Conclusion

Pending claims 1-39 are in condition for allowance and Applicant respectfully requests issuance of the subject application. If any issues remain that preclude issuance of the application, the Examiner is urged to contact the undersigned attorney before issuing a subsequent Action.

Respectfully Submitted,

Dated: 2/1/07   By: _____

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